

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NICOLE HATTEN,

Defendant.

)
)
)
)
)
)
)
)
)
)
)

8:09CR267

ORDER

This matter is before the court on the defendant's motion to continue trial (#72). The motion is deficient in that the defendant has failed to comply with NECrimR 12.1(a); however, in consideration of the District Court's memorandum and order of March 25, 2010 (#74), it appears that a further continuance of this trial must be granted.

IT IS ORDERED that the motion to continue trial is granted, in part, as follows:

1. The jury trial now set for April 6, 2010 is continued to **April 27, 2010**.
2. In accordance with 18 U.S.C. § 3161(h)(7)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **today's date and April 27, 2010**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act because the failure to grant a continuance would deny the defendant reasonable time to obtain counsel, would unreasonably deny the defendant or the Government continuity of counsel, or would deny counsel for the defendant or the attorney for the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).
3. The defendant shall file the affidavit or declaration required by NECrimR 12.1(a) no later than **April 30, 2010**.

DATED March 30, 2010.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge